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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,605	09/26/2003	Louise D. Donovan	35388-94829	1964
23644	7590	06/27/2005	EXAMINER	
BARNES & THORNBURG P.O. BOX 2786 CHICAGO, IL 60690-2786			LEE, Y MY QUACH	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/672,605

Applicant(s)

DONOVAN, LOUISE D.

Examiner

Y Quach Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 to 14, 20 to 24 and 26 is/are rejected.
- 7) ☒ Claim(s) 15 to 19, 25 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/22/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Smythe.

Smythe shows a first light source (27, 28) capable of emitting visible light and a second light source (18) capable of emitting black light.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3 to 13, and 20 to 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook in view of Smythe.

Cook discloses a substrate such as books, cards, individual sheets, printed material or the like (column 3, lines 24 to 25) comprising a first indicia (42) being visible under a first light source (column 3, line 65 to 66) such as visible light source and a second indicia (44) being visible under a second light source (300) emitting black light to illuminate the second indicia, the first indicia revealed under the visible light source and the second light indicia substantially concealed under the visible light source and revealed under black light (column 4, lines 1 to 3), a wand (figure 1) comprising the second light source emitting light in a long range ultraviolet spectrum (column 3, lines 18 and 38) of wavelength of about 345 nm and 400nm, the first indicia coated with a first material such as visible paints or inks (column 3, lines 64 to 65, printed materials which allow the material to be visible without any special illumination) and the second indicia coated with a second material such as fluorescent paints or invisible inks (column 4, lines 2 to 3, printed material which require illumination by light of a specified frequency) substantially

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concealed under the first light source and revealed under the second light source with the capability of emitting light upon illumination under black light. Note that since the wand of Cook is portable, a power source would obviously be included in the wand to supply energy to the light source. However, Cook does not disclose that the wand comprised of a first light source emitting light in a visible spectrum of wavelength of about 400 nm and 700 nm.

Smythe teaches that it is old and known that incandescent visible light source (27, 28) emitting light in a visible spectrum of wavelengths of about 400 nm and 700 nm (column 1, line 28) and fluorescent black light source (18) can be used in combination to illuminate the indicia (44) coated in a first material which is visible under visible light source and to illuminate the indicia (fluorescent design, column 2, line 51) coated with a second material which is concealed under visible light source and revealed under black light source.

Since both Cook and Smythe are directed to illuminating indicia through visible and black light source, the purpose disclosed by Smythe would have been recognized by Cook. Therefore, it would have been obvious to one skilled in the art to provide the wand of Cook with a visible light source, as shown by Smythe, so that the wand can be a dual or multi purpose usage without the need of using additional wands to illuminate the first indicia.

Note that to have the power source at least one lithium ion battery would have been an obvious matter of preference which provides no unusual, unobvious and/or unexpected result and is therefore deemed to fall within a purview of an ordinary engineering design technique to use different desirable batteries including lithium ion battery to suite different applications.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook in view of Yuen.

Cook discloses the invention substantially as claimed including the second black light source associated with a second end of the wand with the exception of having the wand comprised of a first visible light source associated with a first end of the wand for illuminating the first indicia.

Yuen teaches that it is known to associate a first visible light source (2a) with a first end of a wand and to associate a second black light source (6) with a second end of the wand (figure 7) for illuminating indicia while reading a document placed on the work surface.

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It would have been obvious to one skilled in the art to provide the wand of Cook with a first visible light source associated with a first end of the wand, as shown by Yuen, so that the wand can be a dual or multi purpose usage without the need of using additional wands to illuminate the first indicia.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook in view of Park et al.

Cook discloses a substrate (column 3, lines 24 to 25) comprising a first indicia (42) being visible under a first light source (column 3, line 65 to 66) such as visible light source and a second indicia (44) being visible under a second light source (300) emitting black light to illuminate the second indicia, and a wand (figure 1) comprising the second light source emitting light in a long range ultraviolet spectrum (column 3, lines 18 and 38) of wavelength of about 345 nm and 400nm. However, Cook does not disclose that the wand comprised of a first light source emitting light to illuminate the first indicia as well as a first and second control.

Park et al. teach that it is old and known that incandescent visible light source (B) emitting light in a visible spectrum and fluorescent black light source (c) can be used in combination to provide illumination, a first control (Sb) to activate and deactivate the first light source, and a second control (Sc) to activate and deactivate the second light source.

It would have been obvious to one skilled in the art to provide the wand of Cook with a visible light source as well as a first control and second control, as shown by Park et al., so that the wand can be a selective dual or multi purpose usage without the need of using additional wands to illuminate the first indicia.

7. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook in view of Smythe, as applied to claim 1 above, and further in view of Levy et al.

Cook as modified by Smythe discloses the invention substantially as claimed with the exception of having means such as a fastener for removably securing the wand to the substrate.

Levy et al. teach means such as a fastener (35) for removably securing a wand (25) to a substrate (11).

It would have been obvious to one skilled in the art to provide the substrate of Cook with means such as a fastener, as shown by Levy et al., for removably securing the wand to the

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substrate so that not only the wand and the substrate can be handled as a unit but the wand can also be removed from the substrate to use independently as a lighting source when desired.

8. Claims 15 to 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 25 and 27 allowed.

Conclusion


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hagopian is cited to show other pertinent substrate having first and second indicia being visible under visible and ultra violet light sources.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is 571-272-2815.

Y. Q.
June 2, 2005


Y Quach Lee
Patent Examiner
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